

Jeff Barber  
Adam Winner  
Derek Koehler

# BARBER & ASSOCIATES, LLC

ATTORNEYS AT LAW  
540 E. FIFTH AVENUE  
ANCHORAGE, ALASKA 99501

PHONE: (907) 276-5858  
FAX: (907) 276-5817

RECEIVED

APR 07 2023

LAW-CIVIL-ANC

April 6, 2023

**CERTIFIED MAIL  
RESTRICTED DELIVERY**

Chief of the Attorney General's Office  
State of Alaska, Department of Law  
1031 W 4<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501

Re: Aaron Isenhour v State of Alaska, Department of Law and David Bozman,  
Case No. 3HO-23-00063CI

Dear Mr. Taylor:

Enclosed are copies of the following

1. Complaint;
2. Summons and Notice to both parties of Judicial assignment.

Thank you.

Sincerely,  
BARBER & ASSOCIATES, LLC

s/Jeff Barber

JEFF BARBER  
Attorney at Law

4643/L Service.SOA  
Enclosures

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 3HO-23-00063CI
	)	
STATE OF ALASKA,	)	
DEPARTMENT OF LAW, and	)	
DAVID BOZMAN,	)	
	)	
Defendant.	)	SUMMONS AND
	)	NOTICE TO BOTH PARTIES
	)	OF JUDICIAL ASSIGNMENT

To Defendant: STATE OF ALASKA, DEPARTMENT OF LAW

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 3670 Lake Street, Homer, Alaska 99603 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) JEFF BARBER, whose address is: 540 E. 5th Avenue, Anchorage, AK 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form Notice of Change of Address / Telephone Number (TF-955), available at the clerk's office or on the court system's website at [www.courts.alaska.gov/forms.htm](http://www.courts.alaska.gov/forms.htm), to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R.Civ. P. 5(l).

NOTICE OF JUDICIAL ASSIGNMENT

TO: Plaintiff and Defendants

You are hereby given notice that:

- ☒ This case has been assigned to Superior Court Judge Bride Seifert  
and to a magistrate judge.
- ☐ This case has been assigned to District Court Judge \_\_\_\_\_.

CLERK OF COURT

By: [Signature]  
Deputy Clerk

I certify that on 4/4/2023 a copy of this Summons was ☒ Emailed ☐ given to  
☒ plaintiff ☐ plaintiff's counsel along with a copy of the  
☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order  
to serve on the defendant with the summons.  
Deputy Clerk: [Signature]

\* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside of the United States, you also have 40 days to file your answer.

Jeff Barber  
Barber & Associates, LLC  
540 E 5<sup>th</sup> Ave.  
Anchorage, AK 99501  
(907) 276-5858  
[jeffb@alaskainjury.com](mailto:jeffb@alaskainjury.com)  
Attorneys for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT IN HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
STATE OF ALASKA,	)	
DEPARTMENT OF LAW and	)	
DAVID BOZMAN,	)	
	)	
Defendants.	)	Case No. 3HO-23-00063CI
	)	

**COMPLAINT**

The plaintiff AARON ISENHOUR, by and through his attorneys Barber & Associates, LLC, and for her Complaint against the STATE OF ALASKA, DEPARTMENT OF LAW and DAVID BOZMAN, hereby states and alleges as follows:

**JURISDICTION AND VENUE**

I. At all times material hereto, the plaintiff was and is a resident of the Third Judicial

District, Alaska.

2. At all times material hereto, the State of Alaska, Department of Law is a state entity subject to the jurisdiction of the Third Judicial District.

3. At all times material hereto, David Bozman was and is a resident of the Third Judicial District.

4. At all times material hereto, David Bozman was acting under color of law as a Trooper for the State of Alaska.

#### **FACTUAL BACKGROUND**

5. On November 11, 2022, David Bozman was on duty working as an Alaska State Trooper and purportedly conducted an investigation regarding the plaintiff entering a house which the plaintiff owned with his wife to retrieve some items.

6. Trooper Bozman understood that the plaintiff and his wife Lauren Isenhour were going through a divorce but there were no written court or divorce documents about the use of the house.

7. Trooper Bozman understood that the plaintiff had spoken to another Trooper about going the house beforehand.

8. Trooper Bozman understood that the plaintiff had communicated with Lauren Isenhour about going to the house beforehand.

9. Trooper Bozman understood that a person commits the crime of criminal trespass in



the first degree if the person enters or remains unlawfully (1) on land with intent to commit a crime on the land; or (2) in a dwelling.

10. Trooper Bozman was unaware of any order or law which made it unlawful for the plaintiff to enter the house which he owned with his wife.

11. Trooper Bozman proceeded to arrest the plaintiff for the crime of criminal trespass in the first degree and took the plaintiff to jail.

12. By reason of the above, the plaintiff's reputation has been greatly injured and he has been brought to public scandal, disrepute, and disgrace, and has been hindered from following and transacting his affairs and suffered great emotional trauma and harm, deprived of freedom and suffered anxiety, pain, suffering, distress, inconvenience and mental anguish.

13. Trooper Bozman chose not to speak with the other Trooper whom the plaintiff had spoken with beforehand.

14. Trooper Bozman knew that there was no threat of impending physical harm.

15. Trooper Bozman knew that there was no exigency.

16. Trooper Bozman lacked a reasonable basis to arrest the plaintiff.

17. Trooper Bozman knew or should have known that it was wrong to arrest the plaintiff and put him in jail and acted with malice or personal ill-will or reckless disregard of plaintiff's right to liberty.

18. Trooper Bozman falsely stated in his sworn affidavit that the plaintiff agreed to an arrangement where Lauren Isenhour was physically present at the house to pick up personal items.
19. On information and belief, Trooper Bozman advised Lauren Isenhour that she should apply for a protective order against the plaintiff.
20. Trooper Bozman had no indication that the plaintiff ever physically harmed Lauren Isenhour or intended to cause physical harm to her.
21. Trooper Bozman lacked probable cause or reasonable suspicion to believe that a crime had occurred.
22. Trooper Bozman failed to reasonably investigate.
24. Trooper Bozman had a duty to know the law in the area where he worked.
25. Trooper Bozman acted with reckless or callous indifference to the plaintiff's rights
26. Alternatively Trooper Bozman was negligent and/or grossly negligent and/or reckless.

#### **CAUSES OF ACTION AGAINST THE STATE**

27. Plaintiff re-alleges paragraphs 1 to 26 as though fully pled herein.
28. The State is liable for the actions and/or failures to act of its employees acting in the course and scope of their employment under theories of vicarious liability and/or respondeat superior.

29. To the extent that David Bozeman's conduct was negligent or grossly negligent, the State is vicariously liable for wrongfully arresting the plaintiff which was a substantial factor in causing harm to the plaintiff.

30. The State is liable for false imprisonment of the plaintiff.

#### **CAUSES OF ACTION AGAINST DAVID BOZMAN**

31. The plaintiff re-alleges paragraphs 1 to 30 as though fully pled herein.

32. The Fourth Amendment guarantees the right to be free from unreasonable seizure.

33. David Bozman was acting under color of law in the course and scope of his duties for the State when he unlawfully arrested and jailed the plaintiff.

34. David Bozman's disregard of the plaintiff known rights was an offense to human dignity.

35. David Bozman is liable for actions which constitute unreasonable seizure in violation of the State and U.S. Constitutions and laws;

36. David Bozman is liable for violating the rights of the plaintiff to be free from unreasonable seizure guaranteed by the Alaska Constitution and the United States Constitution, 4th Amendment to the U.S. Constitution, U.S. Statute 42 Section 1983, and United States of America Common Law.

37. David Bozman is liable for violating the Fourteenth Amendment to the US Constitution for depriving the plaintiff's liberty without due process.

38. David Bozman acted with reckless or callous indifference to the plaintiff's rights.

39. Trooper Bozman acted with malice and in violation of the United States and Alaska Constitutions and 42 U.S.C. § 1983.

40. David Bozman engaged in reckless and capricious conduct that was unreasonable and/or was with deliberate indifference and/or shocks the conscience.

41. David Bozman's unreasonable, reckless, malicious and unconstitutional actions without justification directly caused the plaintiff to suffer grievous anxiety, distress, deprivation and injury for which he is liable to the plaintiff.

42. David Bozman is liable for negligent and/or intentional misrepresentation which was a substantial factor in causing harm to the plaintiff.

43. David Bozman is liable for fraud which was a substantial factor in causing harm to the plaintiff.

44. David Bozman's acts and omissions evidenced reckless disregard to the interests of the plaintiff and/or were outrageous and entitle plaintiff to exemplary or punitive damages.

45. David Bozman's conduct with regard to the plaintiff was so egregious that any reasonable Officer would have known this conduct was unlawful.

46. David Bozman's conduct regarding the plaintiff was willful, reckless, or intentional misconduct, or was done with gross negligence or malice, entitling plaintiff to damages, including punitive damages.



47. To the extent that David Bozman's misconduct described herein so clearly violated U.S. and Alaska law as to which he had clear notice, he was not acting within the scope of his employment, but merely under color of law.

48. Alternatively, David Bozman's conduct regarding the plaintiff was negligent and/or grossly negligent entitling plaintiff to damages.

#### **PRAYER FOR RELIEF**

49. The defendants are liable for past and/or future: pain, suffering, emotional distress, loss of capacity for enjoyment of life, inconvenience, anxiety, deprivation, humiliation and other non-pecuniary damages to be more fully set forth at trial, all in an amount greater than \$100,000 (ONE HUNDRED THOUSAND DOLLARS), the exact amount to be set by the trier of fact.

50. David Bozman is liable to the plaintiff for damages pursuant to 42 U.S.C. § 1983.

51. David Bozman is liable for exemplary or punitive damages for conduct evidencing reckless disregard to the interests of the plaintiff and/or outrageous conduct.

52. David Bozman is liable for attorneys fees and litigation expenses pursuant to 42 U.S.C. § 1988.

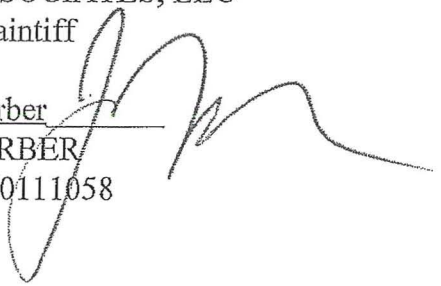
WHEREFORE, having fully pled plaintiff's complaint, the plaintiff requests a judgment against the defendants for an amount greater than \$100,000 (ONE HUNDRED

THOUSAND DOLLARS) to be established by the trier of fact, plus interest, costs and attorney fees, injunctive relief described above, and such other relief as the court deems just.

DATED at Anchorage, Alaska this 30<sup>th</sup> day of January, 2023.

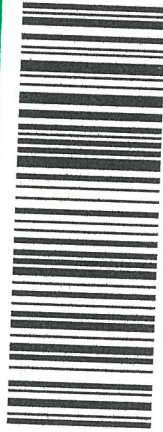
BARBER & ASSOCIATES, LLC  
Attorneys for Plaintiff

By: /s/ Jeff Barber  
JEFF BARBER  
AK Bar #0111058



BARBER & ASSOCIATES, LLC  
ATTORNEYS AT LAW  
540 E. FIFTH AVENUE  
ANCHORAGE, ALASKA 99501

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FIRST-CLASS



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CHIEF OF THE ATTORNEY  
GENERAL'S OFFICE  
1031 W 4<sup>TH</sup> AVE, STE 200  
ANCHORAGE, AK 99501



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	CASE NO. 3HO-23-00063CI
STATE OF ALASKA,	)	
DEPARTMENT OF LAW, and	)	
DAVID BOZMAN,	)	
	)	
Defendant.	)	SUMMONS AND
	)	NOTICE TO BOTH PARTIES
	)	OF JUDICIAL ASSIGNMENT

To Defendant: STATE OF ALASKA, DEPARTMENT OF LAW

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 3670 Lake Street, Homer, Alaska 99603 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) JEFF BARBER, whose address is: 540 E. 5th Avenue, Anchorage, AK 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form Notice of Change of Address / Telephone Number (TF-955), available at the clerk's office or on the court system's website at [www.courts.alaska.gov/forms.htm](http://www.courts.alaska.gov/forms.htm), to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R.Civ. P. 5(l).

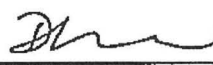
NOTICE OF JUDICIAL ASSIGNMENT

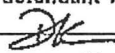
TO: Plaintiff and Defendants

You are hereby given notice that:

- ☒ This case has been assigned to Superior Court Judge Bride Seifert  
and to a magistrate judge.
- ☐ This case has been assigned to District Court Judge \_\_\_\_\_.

CLERK OF COURT

By:   
Deputy Clerk

I certify that on 4/4/23 a copy of this Summons was ☒ Emailed ☐ given to  
☒ plaintiff ☐ plaintiff's counsel along with a copy of the  
☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order  
to serve on the defendant with the summons.  
Deputy Clerk: 

\* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside of the United States, you also have 40 days to file your answer.



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR,

Plaintiff,

vs.

STATE OF ALASKA,  
 DEPARTMENT OF LAW and  
 DAVID BOZMAN,

Defendants.

RECEIVED

APR 19 2023

LAW-CIVIL-ANC

Case No. 3HO-23-00063CI

**AFFIDAVIT OF CIVIL RULE 4 PROCESS**

STATE OF ALASKA

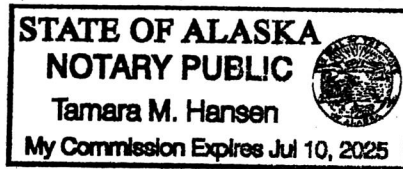
ss:

THIRD JUDICIAL DISTRICT

I, Angela Miller, being duly sworn, do hereby state as follows: That I am employed at BARBER & ASSOCIATES, LLC; that copies of the Summons and Complaint were served by certified mail to Treg Taylor, AG, Alaska Department of Law in Juneau on April 10, 2023 (Exhibit 1 attached), that copies of the Summons and Complaint were served by certified mail to the Chief of the Attorney General's Office in Anchorage on April 6, 2023 (Exhibit 2 attached), that copies of the Summons and Complaint were served by certified mail to David Bozman on April 8, 2023 (Exhibit 3 attached); that all defendants in this action have been served.

Angela Miller  
Angela Miller

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of April, 2023.



Tamara Hansen  
Notary Public in and for Alaska  
My Commission Expires: 7/10/25

This is to certify that on this date  
a copy of the foregoing was served  
by (x) mail ( ) fax ( ) hand to:

Treg Taylor, AG  
State of Alaska  
Department of Law  
PO Box 110300  
Juneau, AK 99811

Chief of the Attorney General's Office  
Department of Law  
State of Alaska  
1031 W 4<sup>th</sup> Ave., Suite 200  
Anchorage, AK 99501

David Bozman  
PO Box 617  
Anchor Point, AK 99556

Angie Miller 4.18.23  
Angie Miller Date

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature</p> <p><b>X</b> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p>	
<p>1. Article Addressed to:</p> <p>T24G Taybe AG SOA Dept of Law PO Box 110300 Juneau AK 99811</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7021 2720 0003 0591 1264</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;"><b>APR 10 2023</b> State of Alaska Department of Administration Central Mail Services</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	



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PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit 1  
Page 1 of 1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below</p>	
<p>1. Article Addressed to:</p> <p>Chief of Attorney General's Office 1031 W 4th Ave Ste 200 Anchorage AK 99501</p>		<p>APR 06 2023</p> <p>LAW CIVIL-AND</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7021 2720 0003 0591 1288</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	

Exhibit 2  
Page 1 of 1



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b> </p>		
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; margin-left: 40px;">David Bogzman PO Box 617 Anchor Point AK 99556</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p style="margin-left: 40px;">David Bogzman <span style="float: right;">4/8/23</span></p>		
<p style="text-align: center;">             9590 9402 7315 2028 6356 35         </p>	<p>D. Is delivery address different from item 1? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 40px;">If YES, enter delivery address below:</p>		
<p>2. Article Number (Transfer from service label)</p> <p style="font-size: 1.2em; margin-left: 40px;">2720 0003 0591 1271</p>	<p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input checked="" type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)             </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery             </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		

PS Form 3811, July 2020.PSN 7530-02-000-9053 Domestic Return Receipt

Exhibit 3

Page 1 of 1

**BARBER & ASSOCIATES, LLC**  
ATTORNEYS AT LAW  
540 E. 5th Avenue  
Anchorage, AK 99501-2636

FIRST-CLASS



US POSTAGE IN-01 PITNEY BOWES



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Chief of the Attorney General's Office  
Department of Law  
State of Alaska  
1031 W 4<sup>th</sup> Ave., Suite 200  
Anchorage, AK 99501

99501 3 1994 0092



**BARBER & ASSOCIATES, LLC**  
ATTORNEYS AT LAW  
540 E. FIFTH AVENUE  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-5858  
FAX: (907) 276-5817

JEFF BARBER  
Barber & Associates, LLC  
540 E 5<sup>th</sup> Ave.  
Anchorage, AK 99501  
(907) 276-5858  
[jeffb@alaskainjury.com](mailto:jeffb@alaskainjury.com)  
Attorneys for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

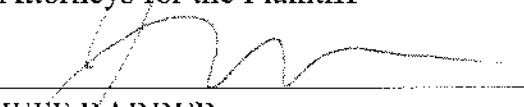
AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
STATE OF ALASKA,	)	
DEPARTMENT OF LAW and	)	
DAVID BOZMAN,	)	
	)	
Defendants.	)	Case No. 3HO-23-00063CI

**DEMAND FOR JURY TRIAL**

COMES NOW the plaintiff, AARON ISENHOUR, by and through his attorneys,  
BARBER & ASSOCIATES, LLC, and requests a jury trial on all triable issues.

DATED at Anchorage, Alaska this 28<sup>th</sup> day of April, 2023.

BARBER & ASSOCIATES, LLC  
Attorneys for the Plaintiff

  
\_\_\_\_\_  
JEFF BARBER  
ABA No. 0111058

**BARBER & ASSOCIATES, LLC**

ATTORNEYS AT LAW  
540 E. FIFTH AVENUE  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-5868  
FAX: (907) 276-5817

CERTIFICATE OF SERVICE

This is to certify that on this date  
a copy of the foregoing was served  
by ☒ email ( ) mail ( ) fax ( ) hand to:

Kimberly A. Tsaousis  
Assistant Attorney General  
Department of Law, Civil Division  
1031 W 4<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501  
kimberly.tsaousis@alaska.gov

Angie Miller 4/27/23  
Angie Miller Date



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, DEPARTMENT	)	
OF LAW, and DAVID BOZMAN,	)	
	)	
Defendants.	)	Case No. 3HO-23-00063CI

**CERTIFICATE OF SERVICE**

I certify that on April 28, 2023, true and correct copies of the **Entry of Appearance; Answer;** and this **Certificate of Service** were served on the following via email without error:

Jeffrey J. Barber  
Barber and Associates, LLC  
jeffb@alaskainjury.com  
angiem@alaskainjury.com

s/Nicole Kisor/  
Nicole Kisor  
Law Office Assistant

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, DEPARTMENT	)	
OF LAW, and DAVID BOZMAN,	)	
	)	
Defendants.	)	Case No. 3HO-23-00063CI

**ENTRY OF APPEARANCE**

Please take notice that Kimberly A. Tsaousis for the State of Alaska, Department of Law, 1031 West Fourth Avenue, Ste. 200, Anchorage, AK 99501, telephone: (907) 269-5190, fax: (907) 276-3697; hereby enters her appearance as counsel of record in the above-captioned matter on behalf of the State of Alaska and David Bozman.

Copies of all notices, motions, and pleadings should be sent to the address referenced above.

DATED: April 28, 2023.

TREG TAYLOR  
ATTORNEY GENERAL

By: s/Kimberly A. Tsaousis/  
Kimberly A. Tsaousis  
Assistant Attorney General  
Alaska Bar No. 1211127

### THIRD JUDICIAL DISTRICT AT HOMER

Defendants.

Case No. 3HO-23-00063CI

## JURISDICTION AND VENUE

2. On information and belief, paragraph 2 is admitted.

3. Defendants admit that at all relevant times the named individual defendant Trooper Bozman was a resident of the Third Judicial District.

4. To the extent paragraph 4 states a legal conclusion, no response is required. To the extent a response is required, defendants admit Trooper Bozman is an employee of the State of Alaska, Department of Public Safety, and that at all relevant times Trooper Bozman operated within the course and scope of his employment with the State of Alaska.

### **GENERAL ALLEGATIONS**

5. Defendants admit that Trooper Bozman was on duty on November 11, 2022, when plaintiff called the Troopers and reported to Trooper Bozman that he had broken into his own house. Defendants further admit that plaintiff informed Trooper Bozman that plaintiff had not lived in that residence for approximately six months, that he did not have a key, and that plaintiff's spouse, L.I., still lived in that residence. Defendants admit that after further investigation Trooper Bozman arrested plaintiff on one count of first-degree criminal trespass.

6. Defendants object to use of the term "understood" in the allegations in this paragraph as vague. Without waiving this objection, defendants admit that plaintiff and plaintiff's spouse, L.I., told Trooper Bozman that they were in the process of a divorce. Defendants further admit that after plaintiff told Trooper Bozman he technically just broke into his own house plaintiff also stated that he and L.I. did not have any agreements or court orders regarding the house.



7. Defendants object to use of the term “understood” in the allegations in this paragraph as vague. Without waiving this objection, Defendants admit that on November 11, 2022, plaintiff told Trooper Bozman he had previously called the Alaska State Troopers about one week prior.

8. Defendants object to use of the term “understood” in the allegations in this paragraph as vague. Without waiving this objection, defendants admit that on November 11, 2022, plaintiff told Trooper Bozman that plaintiff gave L.I. notice when he would go to the house where she resided and that L.I. “always wants to be there when I’m there.”

9. Defendants object to use of the term “understood” in the allegations in this paragraph as vague. Without waiving this objection, defendants admit that under Alaska Statute 11.46.320 a person commits the crime of criminal trespass in the first degree if the person enters or remains unlawfully (1) on land with intent to commit a crime on the land; or (2) in a dwelling.

10. Defendants object to the allegations in paragraph 10 as vague. Without waiving this objection, defendants admit that on November 11, 2022, Trooper Bozman reasonably believed it was unlawful for plaintiff to break into the house where L.I. resided.

11. Defendants admit that on November 11, 2022, Trooper Bozman arrested the plaintiff on a charge of first-degree criminal trespass, a crime of domestic violence pursuant to AS 18.66.990(3) that is subject to AS 18.65.530, Alaska’s mandatory arrest statute.

12. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in this paragraph and therefore deny the same.

13. Defendants object to the allegations in this paragraph as irrelevant, and vague as to time and the identity of “the other Trooper.” Defendants are without knowledge or information sufficient to admit or deny the underlying allegation that plaintiff spoke to an unidentified trooper at an unidentified time and therefore deny the same.

14. To the extent paragraph 14 states a legal conclusion no response is required. To the extent a response is required, defendants object to the allegations in this paragraph as vague and overbroad, lacking any specific timeframe or identifying details. Defendants further object to the allegations in this paragraph as irrelevant since “threat of impending physical harm” is not an element of criminal trespass in the first degree.

15. To the extent paragraph 15 states a legal conclusion no response is required. To the extent a response is required, defendants object to the allegation in this paragraph as vague and overbroad, lacking any specific timeframe or identifying details.

Defendants further object to the allegation as irrelevant since exigency is not an element of criminal trespass in the first degree.

16. Defendants deny the allegations in paragraph 16.

17. Defendants deny the allegations in paragraph 17.

18. Defendants deny the allegations in this paragraph as written. However, defendants admit that on November 11, 2022, plaintiff told Trooper Bozman that L.I. always wanted to be present when plaintiff was at the house and that he that he provided L.I. notice when he was headed to the house, which would lead a reasonable officer to conclude that plaintiff had agreed to this arrangement.

19. Defendants admit that on November 11, 2022, Trooper Bozman complied with AS 18.65.520(a) when he advised L.I. of her rights as a victim of domestic violence. Defendants further admit that AS 18.65.520(a) requires a peace officer investigating a crime involving domestic violence to inform the victim of their rights and the services available to them, including the availability of a domestic violence protective order and “the right to request that the officer assist in providing for” the victim’s “safety, including asking for an emergency protective order.”

20. Defendants admit that on November 11, 2022, L.I. told Trooper Bozman that plaintiff was an unsafe person who had never been physically aggressive with her but who was unstable. Defendants further admit that L.I. explained to Trooper Bozman how she removed all of the guns from the residence before she asked plaintiff for a divorce, that the chances of plaintiff escalating and getting out of control were high, and

that she felt extremely unsafe with him showing up at the house where she continued to reside.

21. Defendants deny the allegations in paragraph 21.

22. Defendants deny the allegations in paragraph 22.

23. Plaintiff's complaint does not include a paragraph 23.

24. The allegations in paragraph 24 state a legal conclusion to which no response is required. The phrase "know the law in the area where he worked" is vague and overbroad as troopers have statewide jurisdiction and their work covers a broad range of civil and criminal laws. To the extent an answer is required, defendants admit that state troopers are expected to reasonably interpret and apply certain Alaska criminal and civil laws, including those involving crimes of domestic violence and the mandatory arrest requirements in AS 18.65.530.

25. Defendants deny the allegations in paragraph 25.

26. Defendants deny the allegations in paragraph 26.

### **CAUSES OF ACTION AGAINST THE STATE**

27. In response to the allegations in paragraph 27, defendants re-allege and incorporate by reference their responses to paragraphs 1 through 26, above, as though fully set forth herein.

28. The allegations in paragraph 28 state a legal conclusion to which no response is required. To the extent a response is required, the State of Alaska denies the allegations in this paragraph because they are vague and they do not identify any specific employees or conduct.

29. The State of Alaska denies the allegations in paragraph 29.

30. The State of Alaska denies the allegations in paragraph 30.

### **CAUSES OF ACTION AGAINST DAVID BOZMAN**

31. In response to the allegations in paragraph 31 defendants re-allege and incorporate by reference their responses to paragraphs 1 through 30, above, as though fully set forth herein.

32. The allegations in paragraph 32 contain a legal conclusion to which no response is required.

33. Defendants admit that Trooper Bozman was acting under color of law in the course and scope of his duties as an Alaska State Trooper when he investigated and arrested plaintiff on November 11, 2022. Defendants deny that Trooper Bozman's conduct was unlawful.

34. Defendants deny the allegations in paragraph 34.

35. Defendants deny the allegations in paragraph 35.

36. Defendants deny the allegations in paragraph 36.

37. Defendants deny the allegations in paragraph 37.

38. Defendants deny the allegations in paragraph 38.



39. Defendants deny the allegations in paragraph 39.
40. Defendants deny the allegations in paragraph 40.
41. Defendants deny the allegations in paragraph 41.
42. Defendants deny the allegations in paragraph 42.
43. Defendants deny the allegations in paragraph 43.
44. Defendants deny the allegations in paragraph 44.
45. Defendants deny the allegations in paragraph 45.
46. Defendants deny the allegations in paragraph 46.
47. Defendants deny the allegations in paragraph 47.
48. Defendants deny the allegations in paragraph 48.

#### **PRAYER FOR RELIEF**

49. Defendants deny the allegations in paragraph 49.
50. Defendants deny the allegations in paragraph 50.
51. Defendants deny the allegations in paragraph 51.
52. Defendants deny the allegations in paragraph 52.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff's claims are barred under one or more doctrines of immunity, including absolute immunity, qualified immunity, the intentional tort and discretionary immunity outlined in AS 09.50.250, and any other applicable immunities.

3. Plaintiff's damages, if any, were proximately caused or contributed to by plaintiff Aaron Isenhour's own contributory negligence or other conduct, with the result that plaintiff's damages, if any, must be proportionately reduced pursuant to AS 09.17.080.

4. Plaintiff's damages, if any, were caused by the intentional acts, omissions, and/or willful misconduct of others for whom defendants are not liable or responsible.

5. The defendants reserve the right to assert additional defenses and other matters as the case proceeds.

6. Plaintiffs may not recover punitive damages against the State of Alaska pursuant to AS 09.17.020.

The State of Alaska and Trooper Bozman seek the following relief:

1. That the complaint be dismissed in its entirety with prejudice.
2. That the plaintiff's prayer for relief be denied.
3. That, in the event plaintiff recovers a judgment, fault is allocated pursuant to AS 09.17.080.
4. That the defendants be awarded their costs and fees in the action.
5. That the Court award the defendants such other relief as may be just and equitable under the circumstances.

DATED: April 28, 2023.

TREG TAYLOR  
ATTORNEY GENERAL

By: s/Kimberly A. Tsaousis/  
Kimberly A. Tsaousis  
Assistant Attorney General  
Alaska Bar No. 1211127

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT HOMER

Aaron Isenhour,

Plaintiff(s),

vs.

State of Alaska Department of Law et al,  
Defendant(s).

CASE NO: 3HO-23-00063CI

**NOTICE OF PRETRIAL  
SCHEDULING CONFERENCE**

To: Attorneys and Unrepresented Parties

The Pretrial Scheduling Conference in the above case will be held at:

Date: JUNE 22, 2023

Time: 3:30pm

Room: Courtroom 1

Judge: Bride Seifert

Court: Homer – telephonic id 1-888-788-0099 id 637 774 2825#

At least one of the attorneys for each party participating in this conference must have authority to enter into stipulations and to make admissions regarding all matters that the participants reasonably anticipate may be discussed. Civil Rule 16(c).

Please be aware of the following deadlines:

1. The meeting of parties required by Civil Rule 26(f) must be held at least 14 calendar days before the above date. All attorneys and unrepresented parties are jointly responsible for arranging and attending the meeting and for attempting in good faith to agree on a proposed discovery plan.
2. Within 10 calendar days after the meeting of the parties, you must:
  - a. submit to the court a written report outlining the proposed discovery plan (addressing the matters listed in Civil Rule 26(f)), and
  - b. complete the initial disclosures required by Civil Rule 26(a).

May 4, 2023

Date

STipikin

Deputy Clerk

I certify that on 5/4/23

I sent a copy of this notice to:

Barber / Tsaousis

Clerk: STipikin

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF ALASKA, DEPARTMENT )  
OF LAW, and DAVID BOZMAN, )  
)  
Defendants. )

Case No. 3HO-23-00063CI

**CERTIFICATE OF SERVICE**

I certify that on May 5, 2023, true and correct copies of the **Defendants' Notice to State Court of Removal; Exhibit A**; and this **Certificate of Service** were served on the following via email without error:

Jeffrey J. Barber  
Barber and Associates, LLC  
jeffb@alaskainjury.com

s/Sabrina L. Stanley/ 1:00PM  
Sabrina L. Stanley Time  
Law Office Assistant II

**Department of Law, Civil Division**  
1031 W. 4<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501  
Phone: (907) 269-5190 Fax: (907) 276-3697



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
STATE OF ALASKA, DEPARTMENT )  
OF LAW, and DAVID BOZMAN, )  
 )  
Defendants. )

Case No. 3HO-23-00063CI

**DEFENDANTS' NOTICE TO STATE COURT OF REMOVAL**

To: Clerk of the Court, Superior Court for the State of Alaska,  
Third Judicial District at Homer

Please take notice that on May 5, 2023, Defendants State of Alaska,  
Department of Law and David Bozman filed a Notice of Removal to the United States  
District Court for the District of Alaska. A copy of said Notice is attached as Exhibit A.

DATED: May 5, 2023.

TREG TAYLOR  
ATTORNEY GENERAL

By: s/Kimberly A. Tsaousis/  
Kimberly A. Tsaousis  
Assistant Attorney General  
Alaska Bar No. 1211127

TREG TAYLOR  
ATTORNEY GENERAL

Kimberly A. Tsaousis (Alaska Bar No. 1211127)  
Assistant Attorney General  
Department of Law  
1031 West Fourth Avenue, Ste. 200  
Anchorage, AK 99501  
Telephone: (907) 269-5190  
Facsimile: (907) 276-3697  
Email: kimberly.tsaousis@alaska.gov

Attorney for State of Alaska, Department of Law, and David Bozman

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, DEPARTMENT	)	
OF LAW, and DAVID BOZMAN,	)	
	)	
Defendants.	)	Case No.:
	)	

---

**DEFENDANT'S NOTICE OF REMOVAL**

Pursuant to 28 USC §§ 1441 and 1446, Defendants State of Alaska,  
Department of Law, and David Bozman, through counsel, hereby consent to and remove  
the state court action captioned *Isenhour, Aaron (v. SOA, Dept. of Law and David  
Bozman)*, 3HO-23-00063 CI filed in the Superior Court for the State of Alaska,

Third Judicial District at Homer, to the United States District Court for the District of Alaska.

Plaintiff Aaron Isenhour filed a lawsuit against Alaska State Trooper David Bozman and the State of Alaska, Department of Law, alleging various state and federal law claims. The claims against Trooper Bozman fall under the United States Constitution, which may be brought pursuant to 28 U.S.C. §1983. Removal is made pursuant to 28 U.S.C. §1443, 28 U.S.C. §1446, 28 U.S.C. §1331, 28 U.S.C. §1367, and 28 U.S.C. §1441. A copy of the Complaint is attached hereto as Exhibit A. Removal is based on the following:

1. The action is one which this Court has original jurisdiction under the provisions of 28 U.S.C. §1331 because the complaint alleges violations of the United States Constitution and 28 U.S.C. §1983, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action arising under the Constitution, laws, or treaties of the United States.

2. Written notice of the filing of the notice for removal will also be served on all adverse parties pursuant to 28 U.S.C. §1446(d).

3. A Notice to State Court of Removal will be filed simultaneously herewith the Clerk of the Trial Courts, the Superior Court for the State of Alaska, in the Third Judicial District at Homer, Case No 3HO-23-00063 CI, along with a copy of this Notice of Removal.

4. This notice of removal is timely under 28 U.S.C. § 1446(b). The Complaint filed in Alaska Superior Court, Case No. 3HO-23-00063 CI, and copies of the summons were received by Trooper Bozman on April 8, 2023. Less than thirty (30) days have elapsed since the receipt of the Complaint and notice of the federal claims.

Petitioner requests that the above-entitled action be removed from the Superior Court for the State of Alaska, Third Judicial District, to the United States District Court for the District of Alaska.

DATED: May 5, 2023.

TREG TAYLOR  
ATTORNEY GENERAL

By: /s/Kimberly A. Tsaousis  
Kimberly A. Tsaousis  
Assistant Attorney General  
Alaska Bar No. 1211127  
Department of Law  
1031 West Fourth Avenue, Ste. 200  
Anchorage, AK 99501  
Phone: (907) 269-5190  
Facsimile: (907) 276-3697  
Email: kimberly.tsaousis@alaska.gov

Certificate of Service

I certify that on May 5, 2023, the foregoing **Defendant's Notice of Removal** was served electronically on:

Jeffrey J. Barber  
Barber and Associates, LLC  
jeffb@alaskainjury.com

/s/Kimberly A. Tsaousis  
Kimberly A. Tsaousis, Assistant Attorney General

*Isenhour v. SOA, Bozman*  
Defendant's Notice of Removal

Case No.: 3:23-cv-00104-JMK  
Page 3 of 3

Jeff Barber  
Adam Winner  
Derek Koehler

# BARBER & ASSOCIATES, LLC

ATTORNEYS AT LAW  
540 E. FIFTH AVENUE  
ANCHORAGE, ALASKA 99501

PHONE: (907) 276-5858  
FAX: (907) 276-5817

RECEIVED

APR 07 2023

LAW-CIVIL-ANC

April 6, 2023

**CERTIFIED MAIL**

**RESTRICTED DELIVERY**

Chief of the Attorney General's Office  
State of Alaska, Department of Law  
1031 W 4<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501

Re: Aaron Isenhour v State of Alaska, Department of Law and David Bozman,  
Case No. 3HO-23-00063CI

Dear Mr. Taylor:

Enclosed are copies of the following

1. Complaint;
2. Summons and Notice to both parties of Judicial assignment.

Thank you.

Sincerely,  
BARBER & ASSOCIATES, LLC

s/Jeff Barber

JEFF BARBER  
Attorney at Law

4643/L Service.SOA  
Enclosures

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 3HO-23-00063CI
	)	
STATE OF ALASKA,	)	
DEPARTMENT OF LAW, and	)	
DAVID BOZMAN,	)	
	)	
Defendant.	)	SUMMONS AND
	)	NOTICE TO BOTH PARTIES
	)	OF JUDICIAL ASSIGNMENT

To Defendant: STATE OF ALASKA, DEPARTMENT OF LAW

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 3670 Lake Street, Homer, Alaska 99603 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) JEFF BARBER, whose address is: 540 E. 5th Avenue, Anchorage, AK 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form Notice of Change of Address / Telephone Number (TF-955), available at the clerk's office or on the court system's website at [www.courts.alaska.gov/forms.htm](http://www.courts.alaska.gov/forms.htm), to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R.Civ. P. 5(I).

NOTICE OF JUDICIAL ASSIGNMENT

TO: Plaintiff and Defendants

You are hereby given notice that:

- ☒ This case has been assigned to Superior Court Judge Bride Seifert  
and to a magistrate judge.
- ☐ This case has been assigned to District Court Judge \_\_\_\_\_.

CLERK OF COURT

By: [Signature]  
Deputy Clerk

4/4/2023  
Date



I certify that on 4/4/23 a copy of this Summons was ☒ Emailed ☐ given to  
☒ plaintiff ☐ plaintiff's counsel along with a copy of the  
☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order  
to serve on the defendant with the summons.  
Deputy Clerk: [Signature]

\* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside of the United States, you also have 40 days to file your answer.



Jeff Barber  
Barber & Associates, LLC  
540 E 5<sup>th</sup> Ave.  
Anchorage, AK 99501  
(907) 276-5858  
[jeffb@alaskainjury.com](mailto:jeffb@alaskainjury.com)  
Attorneys for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT IN HOMER

AARON ISENHOUR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
STATE OF ALASKA,	)	
DEPARTMENT OF LAW and	)	
DAVID BOZMAN,	)	
	)	
Defendants.	)	Case No. 3HO-23-00063CI
	)	

**COMPLAINT**

The plaintiff AARON ISENHOUR, by and through his attorneys Barber & Associates, LLC, and for her Complaint against the STATE OF ALASKA, DEPARTMENT OF LAW and DAVID BOZMAN, hereby states and alleges as follows:

**JURISDICTION AND VENUE**

I. At all times material hereto, the plaintiff was and is a resident of the Third Judicial

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District, Alaska.

2. At all times material hereto, the State of Alaska, Department of Law is a state entity subject to the jurisdiction of the Third Judicial District.

3. At all times material hereto, David Bozman was and is a resident of the Third Judicial District.

4. At all times material hereto, David Bozman was acting under color of law as a Trooper for the State of Alaska.

### **FACTUAL BACKGROUND**

5. On November 11, 2022, David Bozman was on duty working as an Alaska State Trooper and purportedly conducted an investigation regarding the plaintiff entering a house which the plaintiff owned with his wife to retrieve some items.

6. Trooper Bozman understood that the plaintiff and his wife Lauren Isenhour were going through a divorce but there were no written court or divorce documents about the use of the house.

7. Trooper Bozman understood that the plaintiff had spoken to another Trooper about going the house beforehand.

8. Trooper Bozman understood that the plaintiff had communicated with Lauren Isenhour about going to the house beforehand.

9. Trooper Bozman understood that a person commits the crime of criminal trespass in

the first degree if the person enters or remains unlawfully (1) on land with intent to commit a crime on the land; or (2) in a dwelling.

10. Trooper Bozman was unaware of any order or law which made it unlawful for the plaintiff to enter the house which he owned with his wife.

11. Trooper Bozman proceeded to arrest the plaintiff for the crime of criminal trespass in the first degree and took the plaintiff to jail.

12. By reason of the above, the plaintiff's reputation has been greatly injured and he has been brought to public scandal, disrepute, and disgrace, and has been hindered from following and transacting his affairs and suffered great emotional trauma and harm, deprived of freedom and suffered anxiety, pain, suffering, distress, inconvenience and mental anguish.

13. Trooper Bozman chose not to speak with the other Trooper whom the plaintiff had spoken with beforehand.

14. Trooper Bozman knew that there was no threat of impending physical harm.

15. Trooper Bozman knew that there was no exigency.

16. Trooper Bozman lacked a reasonable basis to arrest the plaintiff.

17. Trooper Bozman knew or should have known that it was wrong to arrest the plaintiff and put him in jail and acted with malice or personal ill-will or reckless disregard of plaintiff's right to liberty.

18. Trooper Bozman falsely stated in his sworn affidavit that the plaintiff agreed to an arrangement where Lauren Isenhour was physically present at the house to pick up personal items.
19. On information and belief, Trooper Bozman advised Lauren Isenhour that she should apply for a protective order against the plaintiff.
20. Trooper Bozman had no indication that the plaintiff ever physically harmed Lauren Isenhour or intended to cause physical harm to her.
21. Trooper Bozman lacked probable cause or reasonable suspicion to believe that a crime had occurred.
22. Trooper Bozman failed to reasonably investigate.
24. Trooper Bozman had a duty to know the law in the area where he worked.
25. Trooper Bozman acted with reckless or callous indifference to the plaintiff's rights
26. Alternatively Trooper Bozman was negligent and/or grossly negligent and/or reckless.

#### **CAUSES OF ACTION AGAINST THE STATE**

27. Plaintiff re-alleges paragraphs 1 to 26 as though fully pled herein.
28. The State is liable for the actions and/or failures to act of its employees acting in the course and scope of their employment under theories of vicarious liability and/or respondeat superior.

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29. To the extent that David Bozeman's conduct was negligent or grossly negligent, the State is vicariously liable for wrongfully arresting the plaintiff which was a substantial factor in causing harm to the plaintiff.

30. The State is liable for false imprisonment of the plaintiff.

#### **CAUSES OF ACTION AGAINST DAVID BOZMAN**

31. The plaintiff re-alleges paragraphs 1 to 30 as though fully pled herein.

32. The Fourth Amendment guarantees the right to be free from unreasonable seizure.

33. David Bozman was acting under color of law in the course and scope of his duties for the State when he unlawfully arrested and jailed the plaintiff.

34. David Bozman's disregard of the plaintiff known rights was an offense to human dignity.

35. David Bozman is liable for actions which constitute unreasonable seizure in violation of the State and U.S. Constitutions and laws;

36. David Bozman is liable for violating the rights of the plaintiff to be free from unreasonable seizure guaranteed by the Alaska Constitution and the United States Constitution, 4th Amendment to the U.S. Constitution, U.S. Statute 42 Section 1983, and United States of America Common Law.

37. David Bozman is liable for violating the Fourteenth Amendment to the US Constitution for depriving the plaintiff's liberty without due process.



38. David Bozman acted with reckless or callous indifference to the plaintiff's rights.

39. Trooper Bozman acted with malice and in violation of the United States and Alaska Constitutions and 42 U.S.C. § 1983.

40. David Bozman engaged in reckless and capricious conduct that was unreasonable and/or was with deliberate indifference and/or shocks the conscience.

41. David Bozman's unreasonable, reckless, malicious and unconstitutional actions without justification directly caused the plaintiff to suffer grievous anxiety, distress, deprivation and injury for which he is liable to the plaintiff.

42. David Bozman is liable for negligent and/or intentional misrepresentation which was a substantial factor in causing harm to the plaintiff.

43. David Bozman is liable for fraud which was a substantial factor in causing harm to the plaintiff.

44. David Bozman's acts and omissions evidenced reckless disregard to the interests of the plaintiff and/or were outrageous and entitle plaintiff to exemplary or punitive damages.

45. David Bozman's conduct with regard to the plaintiff was so egregious that any reasonable Officer would have known this conduct was unlawful.

46. David Bozman's conduct regarding the plaintiff was willful, reckless, or intentional misconduct, or was done with gross negligence or malice, entitling plaintiff to damages, including punitive damages.



47. To the extent that David Bozman's misconduct described herein so clearly violated U.S. and Alaska law as to which he had clear notice, he was not acting within the scope of his employment, but merely under color of law.

48. Alternatively, David Bozman's conduct regarding the plaintiff was negligent and/or grossly negligent entitling plaintiff to damages.

#### **PRAYER FOR RELIEF**

49. The defendants are liable for past and/or future: pain, suffering, emotional distress, loss of capacity for enjoyment of life, inconvenience, anxiety, deprivation, humiliation and other non-pecuniary damages to be more fully set forth at trial, all in an amount greater than \$100,000 (ONE HUNDRED THOUSAND DOLLARS), the exact amount to be set by the trier of fact.

50. David Bozman is liable to the plaintiff for damages pursuant to 42 U.S.C. § 1983.

51. David Bozman is liable for exemplary or punitive damages for conduct evidencing reckless disregard to the interests of the plaintiff and/or outrageous conduct.

52. David Bozman is liable for attorneys fees and litigation expenses pursuant to 42 U.S.C. § 1988.

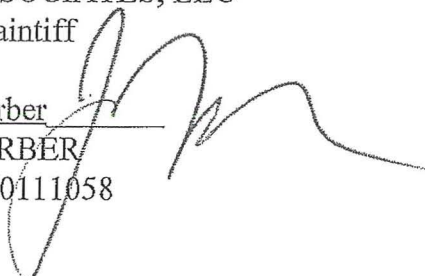
WHEREFORE, having fully pled plaintiff's complaint, the plaintiff requests a judgment against the defendants for an amount greater than \$100,000 (ONE HUNDRED

THOUSAND DOLLARS) to be established by the trier of fact, plus interest, costs and attorney fees, injunctive relief described above, and such other relief as the court deems just.

DATED at Anchorage, Alaska this 30<sup>th</sup> day of January, 2023.

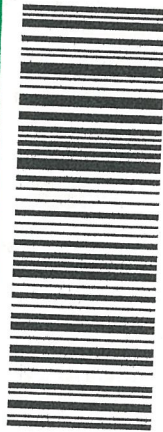
BARBER & ASSOCIATES, LLC  
Attorneys for Plaintiff

By: /s/ Jeff Barber  
JEFF BARBER  
AK Bar #0111058



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